



**REGULAR MEETING  
MINUTES  
for  
January 28, 2002  
Art Pick Council Chamber  
3900 Main Street, Riverside, CA**

Present: Commissioners Floyd, Garcia, Gardner, Goldware, Hendrick, Howe, and Huerta

Absent: Commissioners Brewer and Egson

Chairperson Howe called the meeting to order at 6:00 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Gardner and seconded by Commissioner Huerta to approve the minutes for the December 2001 monthly meeting and the January 7, 2002 case review meeting. The motion passed unanimously.

**Executive Director's Report & Comments**

Mr. Williams noted that it was again time to choose CPRC officers for 2002 and that they would be seated in March. He suggested that nominations be made between this meeting and the February regular meeting with the vote taking place during the February meeting or that it could be done more formally, saying it was the Commission's decision.

After a brief discussion, Commissioner Huerta made a motion that officer interest forms be completed and returned to the Administrative Clerk. Ballots would then be prepared based on interest and a formal vote would take place in February. Commissioner Hendrick seconded the motion. The motion carried unanimously.

Mr. Williams next advised the Commission that the February case review meeting would take place the week of February 11<sup>th</sup> and asked that the commissioners check their calendars. Chairperson Howe asked that Ms. Sherron do a phone survey to determine the best date.

**Commissioner's Comments**

Chairperson Howe asked Commissioner Gardner if the draft regarding the expansion of CPRC duties had been completed. He said it had but he'd not had any comments from the other sub-committee members as yet. Commissioner Gardner suggested that it be held over one more meeting so that the sub-committee members could meet.

Mr. Williams noted that one of the results of Councilmember Adkison's proposal to revamp the boards and

commissions was that Council voted to annually review each board and commission to determine the needs and wants of each, noting that the CPRC would be the first one but that he didn't have a date. He suggested that this might be a forum in which to present the expansion of CPRC duties or possibly present it to the Council's Governmental Affairs Committee to see what they think.

## **Public Comments**

### **Chani Beeman**

Good evening. Actually, I have some questions and I also, of course, have comments. First of all, I'm curious about the status of the Phaisouphanh shooting. It's not clear to me whether or not you have actually begun the review of that case; whether or not you have hired an independent investigator, which you indicated at the first meeting right after the shooting that you were going to do. So, I'd like that question or that case status if possible.

Also, I'm wondering if there's going to be an opportunity to see the budget of the CPRC. I know there's a budget that's been made available for independent investigations and, to my knowledge, the Commission has not yet authorized an independent investigation of any of the complaints that you have had before you.

And thirdly, I'd like to make a suggestion along that line and that is with the budget and independent investigations. There is money in the budget and if you have not exercised that money, I'd like to suggest that perhaps you go ahead and use what is budgeted to do random, independent investigations of the cases that you have reviewed. I think this is a way that you can provide some quality control, see if what you folks are reviewing in fact is upheld by an independent investigator, see if you get any information that is complimentary or contradictory to the information that you get from Internal Affairs. I think this is especially critical in your first year. A lot of the work you do is behind closed doors – a lot of the work you do is behind closed doors. These meetings, obviously, are not very well attended. Not a lot goes on here and I think one of the things that should be included in your annual report is some measurable way to identify your outcomes, whether or not your reviews have in any way furthered the process of community review.

**CHAIRPERSON HOWE** – I'll refer your questions to the executive director.

**EXEC. DIR. WILLIAMS** – Thank you. Phaisouphanh – we just got it this afternoon or this evening. Capt. Dana just brought it in, so we've got it. We just got it, just today. We'll be going from here on that.

Budget – it's a public document. Give us a call. We'll get you the budget – no problem with that.

Independent investigations – we have done them. I've authorized them to do just what she talked about from time to time, but we also have some that are going on that I'm not at liberty to say too much about them or anything about them other than that really. I don't feel comfortable doing that. But when they're complete there will be a report to that affect regarding that.

As far as how do we tell people... You know, it's difficult to be able to sit there and say, 'Well, this is how we know things are getting better in the Police Department,' because when you do that you have to necessarily back it up with confidential documents, which obviously sort of a contradiction there. It wouldn't be confidential if you could make them public. I can say, and this will be said in the annual report, that the overall... overall, the investigations that we're seeing, or that I'm seeing now are much better than the investigations of a year ago. They're not all up to snuff, but there are more of them up to snuff now than there were – a higher percentage than there were a year ago, so there is progress. I don't think anyone expected this to turn the system around in twelve months. I think that we're... I think the Police Department's much better off for it. I think the investigations are much more thorough, you know, but we're getting there and I've had a lot of good cooperation from the Chief and his staff and I think we're all on the same page with this thing. We all know it's not going to happen with a clap of thunder and

lightening and everything, but we're doing it. We're making substantial progress. I wish – and that's one of the problems I have with the Peace Officers' Bill of Rights, is, and I've told a number of people this – that due to confidentiality, we can't let the public know what we know and because of that, I think the police officers are suffering, because I think if the public were to see the work that these folks do on a day-to-day basis, they'd have a lot more confidence in their department. I know why they have that sort of stuff in there, but I think in this instance, I think it does the officers a real disservice because I think if the public could see what we see on a daily basis, I think they'd really have a reason to be proud and to see that they are doing a good job – for the most part. From time to time, they do mess up and they do not follow the rules, but by and large, they do. They do a good job and, you know, that's one of the things, I wish, if I could change anything – and of course, you change that at the state level; you don't change it here at the local level – but I wish I could make those things public so that the people who really support the police would really have a reason to support them other than just sentimentality. So anyhow, that, I hope answers the questions.

**MS. BEEMAN** – I understand you just got the Phaisouphanh case. Has an independent investigator been hired by the Police Review Commission?

**EXEC. DIR. WILLIAMS** – We've got a contract with an agency. We've had one for several months now.

**MS. BEEMAN** – Has an investigator been assigned to...

**EXEC. DIR. WILLIAMS** – I got this 15 minutes ago.

**MS. BEEMAN** – No, but the case happened June 10<sup>th</sup> and my understanding was this – the commissioners went into closed session and the assurance we received, publicly, was that an independent investigation would be conducted of this shooting.

**EXEC. DIR. WILLIAMS** – We have got an independent – we have got an investigator under contract to work on this and any other incidents that we deal with.

**MS. BEEMAN** – But they have not yet begun the investigation on the Phaisouphanh shooting...

**EXEC. DIR. WILLIAMS** – I got this 20 minutes ago.

**MS. BEEMAN** – The reason I'm pushing this – you mentioned the frustration with the Peace Officers' Bill of Rights. Part of the sort of dynamic that goes on here is that the confidentiality of the investigations that come out of Internal Affairs are what actually hinders this group. Any investigation that happens independent, that reviews any shooting or any of the cases and does not depend on personnel documents, does not have to be covered under the Peace Officers' Bill of Rights. There are several other commissions that are able to do this and that's why the public was so adamant that an independent investigation of the Phaisouphanh shooting should have happened immediately. Waiting to assign an independent investigator to this shooting seven months later is substandard from at least this one resident's viewpoint and several others who would also be here to point that out. So you know, on one hand, you don't like the idea, your hands are tied, but any time you hire an independent investigator who seeks out and gets evidence and information independently, that information isn't covered by the confidentiality unless you choose it to be and, as a member of the public I would, of course, be here challenging you to not keep that confidential because that's exactly where your credibility lies is being able to bring this information forward. And I have to tell you, you know, to sit here on January 28<sup>th</sup> and say "I just got this case and we haven't yet assigned an investigator," is substandard in my view. We're all learning, I understand that, but the Phaisouphanh family and the community of Riverside was entitled to better on that case.

### **Discuss and vote to approve the CPRC 2001 Annual Report**

Mr. Williams introduced the agenda item. After some discussion, the Commission asked for additional time to review the report due to some minor changes and corrections in the final draft. It was agreed to vote to approve the Annual Report during a brief open session at the next case review meeting

### **Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 6:31 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u><b>CPRC CASE NO.</b></u>	<u><b>IA CASE NO.</b></u>
01-066	PC-01-128-266
01-122	PC-01-242-236
01-123	PC-01-242-237
01-128	PC-01-241-206
01-143	PC-01-279-055
01-145	PC-01-282-132
01-151	PC-01-302-155
01-160	PC-01-324-323

The Commission adjourned at 8:11 p.m.

Respectfully submitted,

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PHOEBE SHERRON  
Administrative Clerk